

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**VICTOR LLOYD MITCHELL,
Plaintiff**

v.

**JOEL R. HOGENTOGLER and
WILLIAM B. JACKSON,
Defendants**

:
:
: Civil Action No. 1:11-cv-02217
:
:(Chief Judge Kane)
:
:(Magistrate Judge Blewitt)
:

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On May 14, 2012, Magistrate Judge Blewitt issued a Report and Recommendation in which he recommended that Plaintiff Victor Lloyd Mitchell's amended complaint be dismissed in part pursuant to the screening requirements of the Prison Litigation Reform Act, 28 U.S.C. § 1915(e). (Doc. No. 30.) Despite the Court having granted Plaintiff an extension of time to file objections (Doc. No. 34), Plaintiff has failed to raise any objections to the Report and Recommendation.¹

ACCORDINGLY, on this 20th day of June 2012, upon a de novo review of Magistrate

¹ The Court notes that Defendants filed a motion to dismiss Plaintiff's amended complaint on May 4, 2012. (Doc. No. 29.) On May 17, 2012, the Court received a response to Defendants' motion from Plaintiff. (Doc. No. 31.) In his Report and Recommendation, Magistrate Judge Blewitt made clear that "to address [Defendants'] motion at this point would be premature because we must first complete the PLRA screening process of Plaintiff's Amended Complaint. Therefore, we will not be addressing this motion in this Report and Recommendation." (Doc. No. 30 at 5-6.) The Court will not construe Plaintiff's response to Defendants' motion to dismiss as objections to Magistrate Judge Blewitt's Report and Recommendation because: (1) the response is dated May 10, 2012, indicating that it was completed four days before Magistrate Judge Blewitt even issued his report; (2) the response does not challenge any of the conclusions or recommendations included in the report; and (3) Plaintiff filed a motion for extension of time to file objections to the report two weeks after filing his response to Defendants' motion.

Judge Blewitt's Report and Recommendation, **IT IS HEREBY ORDERED THAT:**

1. Magistrate Judge Blewitt's Report and Recommendation (Doc. No. 30) is **ADOPTED**;
2. Plaintiff's requests that this Court institute criminal charges against Defendants for their allegedly illegal behavior are **DISMISSED WITH PREJUDICE**;
3. Plaintiff's claims under the Fourteenth Amendment are **DISMISSED WITH PREJUDICE**; and
4. Plaintiff's First Amendment retaliation claim is **DISMISSED WITHOUT PREJUDICE** to Plaintiff filing an amended complaint, correcting the defects outlined in Magistrate Judge Blewitt's Report and Recommendation, within twenty-one days of the date of this order;
5. If Plaintiff does not file an amended complaint within twenty-one days of the date of this order, the Clerk of Court is directed to close the case; and
6. If Plaintiff files an amended complaint within twenty-one days of the date of this order, all further proceedings in this matter are referred to Magistrate Judge Blewitt.

S/ Yvette Kane

Yvette Kane, Chief Judge
United States District Court
Middle District of Pennsylvania